



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Mayor Christopher B. Jones
Vice-Mayor Richard Baugh
Council Member Ted Byrd
Council Member Kai Degner
Council Member Abe Shearer

Tuesday, March 22, 2016

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

Also Present: 5 - City Manager Kurt Hodgen, Deputy City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Council Member Byrd asked for a moment of silence for the victims in Belgium and then offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

James "Bucky" Berry, 30 West Washington Street, stated panhandling occurs due to soup kitchens being closed and thanked Council Member Degner for taking people to and from work.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Byrd, seconded by Council Member Degner, to approve the Consent Agenda. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

5.a. Minutes

These Minutes were approved on the Consent Agenda.

- 5.b.** Consider amending and reenacting sections 4-2-80, 4-2-81, and 4-2-85, the Transient Occupancy Tax Ordinance of the Harrisonburg City Code
This Ordinance was approved on second reading.
- 5.c.** Consider amending and reenacting sections 4-2-89 and 4-2-92 (e), the Meals Tax Ordinance of the Harrisonburg City Code
This Ordinance was approved on second reading.
- 5.d.** Consider amending and reenacting sections 4-2-97, 4-2-97, 4-2-106, and 4-2-107, the Admissions Tax Ordinance of the Harrisonburg City Code
This Ordinance was approved on second reading.
- 5.e.** Consider repealing Section 16-6-59, Prohibition of pedestrians soliciting rides, contributions, etc, of the Harrisonburg City Code
This Ordinance was approved on second reading.
- 5.f.** Consider a supplemental appropriation for the Police Department in the amount of \$29,592.00 for the purchase of Lexipol policy creation software
This Supplemental Appropriation was approved on second reading.

6. Public Hearings

- 6.a.** Consider request for exemption from local personal property taxation for one city non-profit organization
Mayor Jones announced that this agenda item had been postponed until the April 12, 2016 council meeting.
- 6.b.** Consider the HUD FY2016 Action Plan for Community Development Block Grant Program (CDBG)
Kristin McCombe, Grants Compliance Officer, informed council that the total available funds for the FY2016 Action Plan are \$528,947, which comes from \$514,843 in new CDBG allocations and \$14,104 from unexpended funds from the previous year. Mrs. McCombe stated the CDBG Selection Committee had reviewed and recommended the following projects for the 2016/2017 Annual Action Plan: Housing & Property Improvements category: Harrisonburg Rockingham Housing Authority (HRHA) for the Harrisonburg Heights Renovations (\$140,000), which is the 12th year of the city's debt service commitment to the HRHA; Community and Public Facilities category: Crescent Drive Waterline Update (\$45,000), North Liberty Sanitary Sewer (\$112,149), and the Monroe Street Waterline Upgrade (\$37,500). Mrs. McCombe noted the Committee chose these projects because they were a pressing need in regards to public health and safety; Administration category which would receive \$102,968; and, Public Services category: On the Road Collaborative - Tech Based Enrichment (\$9,720), Second Home (\$6,266), JMU IIHHS: Suitcase Clinic (\$10,000), VPAS: Meals on

Wheels (\$15,500), Open Doors: Emergency Shelter (\$5,621.70), Explore More - Community Marker Space (\$10,000), The Arc (\$14,600), and AED Devices (\$19,622.30). Mrs. McCombe noted two applications were received after the due date and they weren't considered for funding. Mrs. McCombe reviewed the schedule for the 2016/2017 Action Plan beginning with the 30-day public comment period which begins tonight.

Council Member Shearer thanked staff for their due diligence.

At 7:09 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, March 14, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:10 p.m., and the regular session reconvened.

City Attorney Brown referenced a memorandum that Ande Banks provided to the Committee regarding his recusal from consideration and voting on the Explore More Discovery Museum's application due to being a member of the Board of Directors. City Attorney Brown stated there was no legal conflict of interest under Virginia law, but Mr. Banks wanted to avoid any appearance of impropriety. Council Member Shearer noted Mr. Banks wasn't present during the discussion or vote for their application.

The 2016 Annual Action Plan for the CDBG program serves as the planning document for addressing overall community development and housing needs that will utilize the \$514,843 entitlement of CDBG funding available to the city for 2016. The city received \$696,622 in requests. The selection committee has reviewed these requests and funding recommendations are attached. A complete Action Plan document is available upon request

Staff requests that council hold a public hearing on this Action Plan. This public hearing will open the 30 day HUD-required public comment period for this document. At the end of this comment period and at the May 10, 2016 regular council meeting, staff will bring this Action Plan to council for approval. Once council approval is obtained, the Action Plan will be submitted to HUD for final approval.

- 6.c.** Consider the issuance of general obligation bonds that will finance various capital projects

Mayor Jones announced there will be two votes needed regarding this matter.

City Manager Hodgen stated there might be more than two votes needed, but information regarding that will be provided. City Manager Hodgen stated the general obligation bond is planned to be issued in the next several weeks and that the advertisement states that the city will not exceed \$50M and the city is not intending to issue \$50M in bonds. City Manager Hodgen stated the bond includes funds for the school construction projects (\$33.6M), HVAC replacement at Thomas Harrison Middle School (\$4.4M), trails and street improvements (\$2.1M), construction contingencies (\$4M), cost of issuance (\$580,000), and allowance for original issue discount/rounding (\$5.32M). City Manager Hodgen stated the

projects listed totaled \$43.1M, which includes \$5.6M for a pre-k facility that will be discussed later. City Manager Hodgen stated after the public hearing council will need to consider the bond resolution, the bond payment option, and a resolution authorizing the School Board to sign a construction contract for the elementary and Thomas Harrison projects.

At 7:14 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, March 8, 2016 and Tuesday, March 15, 2016.

James "Bucky" Berry, 30 West Washington Street, stated early education is important, it gives the kids what they need, and they are the future generation.

Jerry Smith, Highway Crossing, stated he was concerned about the installation of trailers in connection to the school and that serious consideration should be made about doing a year round school program.

Mayor Jones asked speakers to discuss items that are listed in the bonds.

Regina Healy, 1683 Park Lawn Drive, thanked council for making the HVAC system a priority.

Erin Bishop, 331 New York Avenue, stated she supports the vision to connect all of the city schools with bicycle/pedestrian trails and they should be a necessity. Mrs. Bishop noted the signatures obtained by the Shenandoah Valley Bicycle Coalition supporting the trails reflect the families that live in the city.

Thomas Jenkins, 375 East Wolfe Street, thanked council for including funds for trails and improvements to Garber's Church Road, stated it is an important step, and hopes to see more of these types of projects. Mr. Jenkins asked all those in support of the trails to stand.

Stan Maclin, 117 North High Street, asked if there was a shift concerning funds for the pre-k facility. Mr. Maclin would like town hall meetings to be held prior to those funds being spent.

Matt Haslin, 92 Shenandoah Avenue, stated one of the reasons he moved to Harrisonburg was due to bicycling and he is looking to purchase a home where he and his family can bike or walk to school.

Dr. Kizner, School Board Superintendent, stated Smithland and Skyline opened up in March 2009 and reviewed enrollment being the following at that time: K-4 was 1,762, middle school was 1,218, and the high school was 1,252. Dr. Kizner stated enrollment has increased 31% since March 2009, and by 2018-2019 an additional 13.1% is projected. Dr. Kizner stated the School Board decided to move the fifth grade back to the elementary schools to provide relief to the middle schools; however, to execute the entire plan the pre-k program needed to be removed from

the elementary schools. Dr. Kizner noted the School Board has not made any decisions to change course on the pre-k program. Dr. Kizner suggested additional dollars should be put towards the pre-k program in order to obtain additional classrooms. Dr. Kizner noted that 60 Harrisonburg children who are at-risk for learning were not served this year due to not having enough room in the pre-k program.

Mayor Jones asked for numbers for where we were, where we are, and where we are headed with the pre-k program. Mayor Jones also asked to have numbers provided beginning in 2004 for all grades.

Karen Thomas, 158 East Johnson Street, echoed Mr. Maclin comments regarding the pre-k program and feels there should not be any votes given before town hall meetings are held. Ms. Thomas thanked Dr. Kizner for his clarification, feels that any annexation should occur at Smithland, and asked council not to vote tonight.

Mayor Jones again reminded citizens tonight's discussions should be on funds.

Jim Orndoff, 2 North Main, shared his concern that the amount being considered for the pre-k facility borrowing is insufficient to cover the cost of the full scale pre-k facility that was originally proposed. Mr. Orndoff feels that more will be spent when the city decides to add on to the pre-k facility. Mr. Orndoff is concerned about limiting our borrowing amount to 6% since we are a growing community, schools have an effect on economic development, and not one member of council has been a School Board member. Mr. Orndoff encouraged School Board members to run for council.

Diane Orndoff, 22 East Market Street, shared her concern for those students not being served properly and stated we would pay for that in the long run due to facts we know about the jail population.

At 7:37 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Shearer offered a motion to approve the bond resolution for the projects as stated with the exception of all funding for the pre-k project, which could be considered at which time there is a proposal for funding and consideration before us. The motion was seconded by Council Member Byrd.

The following discussion took place: not comfortable with including funding in a bond for something that is to-be-determined; if the resolution is passed as presented, there is still time for the School Board to clarify; the \$5.6M can be removed prior to the Notice of Sale; all projects will be delayed until the Notice of Sale takes place; the city was planning to go to market the second week of April; Dr. Kizner noted the School Board has not changed plans and Smithland is still being pursued; council has been authorized with the authority to raise capital by issuing debt and the use of funds should be well planned in a responsible use of

tax dollars, and at the moment we don't know how nearly \$6M of the issuance are going to be spent; the plans for the pre-k were rejected due to coming in over budget; other solutions have been floating around such as using the Simms Center and Smithland for the pre-k program; we should be prepared to address other questions such as capacity gains, classroom space, long term flexibility, etc.; the location for the pre-k facility has moved locations over the past year; if the funds aren't used properly, we have a much bigger issue on our hands; by issuing these funds we will be relinquishing our ability to oversee that tax payer funds that we have allowed will be used in a responsible manner; and we can pursue additional financing through other measures.

School Board Chairman Kerri Wilson stated the School Board has not removed any projects, they had not changed direction, and a decision has been made to build a pre-k facility. Chairman Wilson stated the proposal for the pre-k facility did come in over budget and they have asked the architects to go back and review to try and bring the project within the budget and accommodate the needs that have been identified. Chairman Wilson stated during School Board meetings there has been no discussion about the Lucy Simms Center as an option. Chairman Wilson stated the School Board plans to move forward with the great plan to address all of the current space issues. Chairman Wilson stated that they would like to build bigger than what is currently planned, but understand that there are budget constraints. She stated they had taken into consideration the impact that new buildings would have on tax payers, but School Board members are elected to do what is in the best interest of the children and future children. Chairman Wilson stated after the architect reviews the plans and if it is still over budget she would not ask for additional funds, but she will not take the pre-k facility off the table.

Council Member Shearer stated that the recommendation was to not take the pre-k facility off the table, but to consider it when there was a proposal. Chairman Wilson stated there was no clarity at this time from the architect as to what the dollar amount will be for the facility. Council Member Shearer asked if there was a dollar amount that would no longer make it feasible to build a structure if the architect couldn't come within a certain amount. Chairman Wilson stated they wouldn't move forward with a plan using the \$5.6M, if it didn't address their needs. Council Member Shearer stated by issuing the amount of \$5.6M council would not be able to make sure that funds are prudently spent. It was noted that council wasn't trying to configure which students go where; it is making sure the money is prudently spent.

Vice-Mayor Baugh clarified with Chairman Wilson that School Board would like council to pass the resolution with the \$5.6M included and asked if the School Board would like a little more time to work the amount out. Chairman Wilson concurred, but stated they don't want to hold up the construction of the elementary school.

Mayor Jones asked Steve Johnson, the city's bond counsel, how much time the School Board has to present a formal plan to use the \$5.6M. Mr. Johnson stated

council would be in control of that time frame and things to consider would be how soon do you need to move forward with the elementary school, because that would be held up by this process. Mr. Johnson stated when the bonds are issued for the pre-k facility (\$5.6M) it needs to be known that money will be used for a pre-k facility and if there were some chance it wouldn't be that would cause an issue. Chairman Wilson stated the funds would certainly be used for a pre-k facility, but if the request for proposal (RFP) doesn't come back within budget she would request the School Board to immediately submit an RFP for a project that would meet our needs that would be within budget. Chairman Wilson stated there is no guarantee that the proposal will come in under budget, but isn't taking the project off the table.

The discussion continued with Mayor Jones stating the following: if the proposal comes in over and adjustments are made to build within the \$5.6M which would inflate the cost per student and that would not be ethical; the goal was to have an under budget proposal by March 15, which didn't happen; nothing was figured out, but discussions were held about if the proposal didn't come back under budget; we don't have an obligation to provide pre-k by the state of Virginia, but it does provide benefits; feels that the public school system shouldn't hold all the burden and pre-k should be provided by the private sector; the \$5.6M would be going towards a privilege allowing pre-k classes here in the city; the HVAC improvements are not a privilege and it was voted on by council prior to the School Board requesting it; the council reacts when there is a need and we have created a sense of need for pre-k after reviewing data; how can we move forward without a plan unless we want to take a gamble on the architect; and, would love to see fewer funds going into the pre-k facility and more funds going in the private sector for pre-k programs.

Further discussions continued with Council Member Degner stating the following: council provided an amount a year ago to the School Board after reducing the requested amount of \$48M for the elementary and pre-k facility, which allowed for flexibility; the School Board knows they can't compromise on the size of the elementary school and the amount of the bid was within budget of what the architect had said a year ago and now the pre-k facility has to be compromised because they are working within the constraints of the funding provided by council; building a pre-k facility that isn't big enough increases the cost per classroom; and, is willing to fund more money for a pre-k facility, but unsure if we could do that tonight.

Mr. Johnson stated the maximum advertised is \$50M, so there is a little flexibility with the number. Chairman Wilson welcomed the flexibility if the proposal came in above the \$5.6M allotted amount, but does recognize the importance of meeting all of our needs. Council Member Degner stated if children aren't at reading level by third grade, they don't recover and with what we know statistically who is filling up our jail, this project needs to be funded. Council Member Shearer stated the motion is not about funding a pre-k facility; it is about not having a proposed plan. Council Member Degner stated as a council we aren't being accountable for what

we create when we don't fund what is being asked to us and we fund only 70% of what they ask. City Manager Hodgen stated the elementary school project came in approximately \$300,000 over budget and an additional \$690,000 was added to that amount. It was noted that no one has stated that we should not fund a pre-k program; the goal is to not jeopardize the elementary school project and the HVAC improvements. Mayor Jones noted the architect made it known that he was going to ask for \$100M, which we don't have, and we have to be reasonable and responsible moving forward. It was noted no one is against early education, at what cost, and at the end of the day council sets the tax rates. Mayor Jones stated we have to be prepared to be able to fix other issues that might come up at other schools in the future and not wait eight years as we did for the HVAC system.

Council Member Degner asked if the Notice of Sale was advertised after the next council meeting whether Chairman Wilson would be concerned that the elementary school project would be in jeopardy. Chairman Wilson concurred and asked how long it would take to request an issuance of bonds for the \$5.6 M once a proposal is received. It was noted that once a proposal was received the city could be going to market in January, which would delay the process six months. Chairman Wilson stated that what she is hearing is council fully supports the pre-k program and she hopes to have the funds included in the bonds. Vice-Mayor Baugh stated as he sees it, the School Board would like us to vote no on the current motion, provide them a little more time, and they are not asking for any additional funds.

A motion was made by Council Member Shearer, seconded by Council Member Byrd, to approve the bond resolution for the projects as stated with the exception of all funding for the pre-k project, which could be considered at which time there is a proposal for funding and consideration before us. The motion failed with a recorded roll call vote taken as follows:

Yes: 2 - Council Member Byrd and Council Member Shearer

No: 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

Council Member Degner offered a motion to fund the bond resolution as advertised. Vice-Mayor Baugh seconded his motion. Council Member Degner asked if the School Board could wait until after the next council meeting that would be held Tuesday, April 12, 2016. Chairman Wilson stated they will know what the architect's recommendation is by that date. Chairman Wilson asked if the elementary school project would be done in time, if we wait the additional weeks. Mr. Johnson clarified that another public hearing would not need to take place unless council decides to go above \$50M, the Notice of Sale is published with a two to three week period that bond firms will consider and bid, a pricing date generally two weeks after the Notice of Sale is posted, bids are received, and then an additional two weeks between the pricing and closing of the bonds. It was noted the funds available would be pushed back to mid-May.

Dr. Kizner asked City Attorney Brown about action being taken authorizing the School Board through the council that the work could continue absent of having the bond money available. City Attorney Brown noted that a resolution has been

provided to council for consideration authorizing the School Board to execute the contract with Nielsen Builders, Inc. for the elementary school and Riddleberger Brothers, Inc. for the HVAC system. It was noted that the financial questions would have to be asked to the city's finance director, because if bills start being received before funds are available, there is an issue. Dr. Kizner asked about the time period that work was being completed on City Hall before the bond funds were received. It was noted that typically a subject to appropriation clause is included in contracts. Dr. Kizner clarified that if the money wasn't obtained, then the city would only owe for the work that had been completed. The statement was confirmed correct.

Council Member Shearer asked staff's opinion about funding the entire resolution as presented or to wait until a proposal is received. City Manager Hodgen stated he would prefer to wait and do another funding option on the pre-k facility when a proposal is received, due to the chances of the architect being over budget. Dr. Kizner stated we can't delay the elementary project due to the date of the first day of school and this project is part of a sequence to get the fifth grades back into elementary schools. Dr. Kizner doesn't agree if the proposal comes in a little over budget that we should let a self imposed number stop the project and provided why he thinks pre-k isn't a privilege. Dr. Kizner stated funds are available for pre-k slots from the state, but we don't obtain that money until we use it and there isn't space for additional pre-k students. Dr. Kizner believes that if our program meets state standards, we could obtain funds for the program. Dr. Kizner noted six to seven children will be served next year in James Madison University's early education program and a couple hundred thousand dollars had already been used at the Smithland property. Mayor Jones stated he wanted to make everyone aware of possible funding for the private sector and the possibility of alleviating the pressure off of the tax dollar.

Council Member Shearer again stated the conversation tonight is not about a pre-k facility, it is about considering the project when a proposal is available.

Mayor Jones asked if council was in favor of increasing the bond amount. Mr. Johnson stated the advertisement is currently not-to-exceed \$50M, which currently has some room to increase project amounts. Mayor Jones stated we could move forward with the pre-k facility as it is proposed and it is costing an additional \$3M and still remain on schedule. City Manager Hodgen stated the pre-k facility bid was \$2.8M above the \$5.6M amount, which would bring the bond amount to approximately \$46M. City Manager Hodgen reminded council that this bond will impact the availability of what we will need for future bonds. City Manager Hodgen stated both rating agencies brought attention to the city's existing debt even though we kept our current rating.

Vice-Mayor Baugh stated it seems as though we can pass the resolution as is and allow the School Board to have information for a decision to be made during the April 12th council meeting and still allow for the elementary school project to move forward. It again was noted another public hearing would not have to be advertised

or held if the amount doesn't exceed \$50M.

A brief comment was made about tabling the motion and adding additional funds for the pre-k facility. City Attorney Brown stated the resolution doesn't allocate specific amounts per project.

Council Member Degner thanked all those who were here to support the bicycle/pedestrian lanes for staying through the entire discussion.

A brief discussion was held regarding arbitrary numbers and the only ones that aren't arbitrary are currently the bids. Council Member Byrd stated the numbers aren't arbitrary, they are state average construction costs that other localities have been able to remain below. Council Member Byrd also stated most other localities had to purchase land within that budget and we already own the land. Council Member Byrd continued by stating if we go with what is being presented it will cause a \$0.11 increase on real estate tax, which could possibly be moved down to \$0.07 this coming year with pushing the difference into the future year. City Manager Hodgen stated if council would decide to increase the amount by \$2.8M, there would be an additional increase to real estate taxes. Council Member Byrd noted we have a high free and reduced lunch population and those parents would be affected by the tax increase.

Mayor Jones announced some technical difficulties were had at the onset of the meeting being televised, but it would be available online to view.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to fund the bond resolution as advertised. The motion carried with a recorded roll call vote taken as follows:

Yes: 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

No: 2 - Council Member Byrd and Council Member Shearer

City Manager Hodgen stated that a decision needed to be made on the pay options for the bond.

A brief discussion was held how council members felt about the different options and the tax increases that will occur over the next two years no matter which option is chosen. It was noted that based on the original numbers being presented, option one would save the city \$135,000 over the life of the bond compared to option two. City Manager Hodgen noted that the city's general practice is to fully fund the debt service the first year debt service payment is incurred, but it has never been this high.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve option one. The motion failed with a recorded roll call vote taken as follows:

Yes: 2 - Council Member Byrd and Council Member Shearer

No: 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve option two. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.d.** Consider a resolution granting consent to the School Board to contract to expend money in excess of funds available for school purposes

City Manager Hodgen presented the resolution authorizing the School Board to sign the construction contract for both the elementary school project and the Thomas Harrison Middle School HVAC project.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the resolution as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

At 8:58 p.m., Mayor Jones called for a recess.

At 9:10, Mayor Jones called the meeting back into regular session.

7. Regular Items

- 7.a.** Consider approval of the HUD FY-2014 CDBG Amendment

Mrs. McCombe asked council to consider approval of the Mercy House amendment allocated from the 2014-2015 Mercy House Small Mercies Expansion Project to the Mercy House Family Shelter Appliances project that was presented during the February 9, 2016 council meeting. Mrs. McCombe stated the public comment period ended on March 14, 2016 and no comments were received.

A motion was made by Council Member Byrd, seconded Vice-Mayor Baugh to approve the HUD CDBG amendment. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 7.b.** Blue Ridge Community College annual update

Dr. John Downey, President Blue Ridge Community College, thanked council for their continued support. Dr. Downey reviewed the following information that was included in the packets that he provided to council: a significant number of citizens and businesses continued to be served by the college; last year 931 students were from the city of Harrisonburg, which is approximately 19% of students; and the college serves 417 city of Harrisonburg residents in non-credit workforce and

personal enrichment courses. Dr. Downey noted that 68% of local adults ages 25 to 65 have less than associate degrees, which compares to the 55% in Virginia and 61% nationally. Dr. Downey stated the college continues to work with local businesses to make sure the college is serving the needs of the local businesses for the workforce of the future. Dr. Downey noted the efforts of the city's economic development and the Shenandoah Valley Partnership working hard to address critical workforce development needs through the Education and Workforce Committee. Dr. Downey also noted the partnership that began with WHSV to promote in demand local careers. Dr. Downey stated that for every job in the future that will require a masters degree or higher, there will be two jobs that will require a bachelors degree and seven jobs that will require post secondary training including certifications. Dr. Downey also stated that the General Assembly found funding for the college to help provide non-credit and certifications that are in demand of the local workforce. The Virginia Community College System Strategic Planning Committee has a goal to triple the number of credentials offered by the community college system.

Vice-Mayor Baugh stated Senator Warner's office was very complimentary about Blue Ridge Community College.

7.c. Update on Fields of Gold Farm Trail

Brenda Black, Tourism Director, introduced the speakers for the Fields of Gold Farm Trail presentation.

Mayor Jones thanked Mrs. Black for her leadership on the Harrisonburg Tourism Expert and Review Panel. Mrs. Black stated she has appreciated all the feedback from the local businesses and attractions. Mayor Jones hoped to make it a board or commission in the future.

Bonnie Riedesel, Central Shenandoah Planning District Commission (CSPDC) Executive Director, stated the CSPDC administers the Fields of Gold Agricultural and Tourism program and recognized council members that serve on the CSPDC. Mrs. Riedesel stated the following about the program: it began four and half years ago; the goal is to promote and market the Shenandoah Valley as an agricultural and tourism destination; it is an economic development program to support the agricultural community by creating and maintaining jobs both on and off the farm; it spans across 13 localities, more than 200 farms and venues; and, has received state and national recognition as a model for collaboration and innovation. Mrs. Riedesel stated the city has been one of their biggest supporters and thanked Mrs. Black, Brian Shull, and the city for their continued support for the program.

Tracey Coltrain, Agricultural and Tourism Coordinator for the Fields of Gold program, stated the Shenandoah Valley has the top four of the five top agricultural counties which include the following: Page County, Rockingham County, Shenandoah County, and August County. Mrs. Coltrain stated the program covers eight counties and five cities, includes 215 farms and farm businesses on the trail, and is the only farm trail in Virginia. Mrs. Coltrain reviewed how to become a farm

trail destination by falling into at least one of eleven categories, within the region, and must be open to the public. Mrs. Coltrain noted there are 13 members from Harrisonburg on the trail. Mrs. Coltrain reviewed what the program has to offer on their website for visitors and members, their brochures and rack cards, and their bumper stickers and new identifying member signage. Mrs. Coltrain reviewed their spring ad campaign, Love is in the Air, and stated social media has been the best way to promote the program. Mrs. Coltrain noted that the program also travels to many conferences and events throughout the area to promote the program. Mrs. Coltrain also noted their member only newsletter, Fence Talk, and the visitors' newsletter.

7.d. Consider a resolution requested by Build Our Park for a USDA grant application for the Turner Pavilion expansion

Henry Way, Build our Park representative, stated that the group is asking nothing more than for support for a resolution for a USDA grant application, which if successful will go towards an expansion of the Farmers Market pavilion. Mr. Way noted that it was great to see the city park included in the city's Capital Improvement Plan. Mr. Way stated the park task force is in favor of phasing the park project. Mr. Way noted the grant application is due in April and the group was thankful for the help of design services by Blue Ridge Architect.

Welby Lehman, Blue Ridge Architect, presented a conceptual design that was designed by the Workshop design team for the expansion of Farmers Market. Mr. Lehman noted the different form of the expansion, but the same materials would be used. Mr. Lehman also noted the addition to the south of the existing pavilion would also serve as a performance space. Mr. Lehman stated the group has been in communication with the city's building official about building code related to the expansion and with the conceptual design being presented, the bathroom facilities and the other uses for the facility aren't as stringent with a building of approximately 18,000 square feet. Mr. Lehman noted that the area is within a flood plain and with the conceptual design, parking would be reduced by 40 spaces. Council Member Byrd asked if the group had a master plan. Mr. Lehman stated the Workshop design team did an extensive study and parking was addressed, but he wasn't able to answer the question. Mr. Lehman stated the expansion would allow for 22 more vendors. Mr. Lehman stated the total project cost would be approximately \$836,000; however, there would be options for saving money so the group has created a range from approximately \$710,000 to \$1,086,000. Mr. Lehman acknowledged individuals and companies that helped with the conceptual design.

Barry Kelley, member of Build our Park prior known as Plan Our Park, read the resolution.

Council Member Byrd stated the \$1M project was a surprise due to the packet provided to council showed \$300,000, brought attention to the resolution stating that Build Our Park would provide a \$100,000 match, and asked how much the group had raised toward the \$1M project. Mr. Kelley stated originally the group

raised approximately \$125,000 that went towards the early drawings with the workshop team. Mr. Kelley stated the group is beginning the process to fund the next phase. Mr. Kelley stated the group is not asking the city for funds. It was noted the city is the only one that can apply for the grant and the council was not approving any funds to go towards this grant. Council Member Byrd asked if these were just proposals, because he was concerned about the reduction of 40 parking spaces. Mr. Kelley stated this is a conceptual design. Council Member Byrd stated this is the first time council has seen the conceptual design and the community hasn't been able to comment on the design through our process. Council Member Degner asked Mr. Kelley if he foresaw a parking deck in this area in the future. Mr. Kelley said projects like these put forth a stronger case for building a parking deck. Mr. Kelley stated discussions of what business model to use to approach for building a parking deck have been discussed, but no conclusions have been made. Mr. Kelley stated a parking space costs approximately \$15,000 and as a city we are not there to afford that cost. Mr. Kelley stated with private/public money, a parking deck could happen. Council Member Byrd stated using that number per parking space when viewing the conceptual design is a \$600,000 loss with the reduction of 40 parking spaces.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the resolution as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

7.e. Discussion on the School RFP for A/E services for the Annex project

City Manager Hodgen stated this agenda item is to receive clarity in this particular RFP. City Manager Hodgen stated the members of the School Board Liaison Committee meeting left with different understandings in regard to the RFP. The city was under the impression the RFP study was similar to the two completed in 2013 where a couple of potential sites were reviewed for the middle school that now has become the elementary school. City Manager Hodgen stated at that time we had an architect review building a new school site facility on the north side of the existing high school, but then the site shifted across the street as a better alternative. City Manager Hodgen stated the city felt that this study would reflect the same type survey, but review the south side of the high school to determine if it was suitable. The consultant would have to review items such as infrastructure on the site to determine general costs. City Manager Hodgen stated the site might be too expensive to rework in which case alternatives would be reviewed. City Manager Hodgen stated he met with Dr. Kizner last week and his impression of the meeting that Dr. Kizner and the School Board were under the impression that we were going ahead and authorizing an RFP for planning and design services for the high school annex building.

Mayor Jones stated during the joint meeting he asked for an RFP for the solution of the high school and for the School Board to bring back something about

Thomas Harrison and to date nothing has been received.

It was noted that no one remembered a \$4M ask and the meeting minutes don't reflect any direction.

Council Member Byrd offered a motion to affirm that council was agreeing to hire an architect and engineering for preliminary study determining that the existing high school site could actually support or provide the space needed to build an annex. Council Member Shearer seconded the motion.

Council Member Degner stated he also thought the land across the street was also being considered. Council Member Byrd didn't want to include any specific land in the motion in case a purchase is involved. Council Member Shearer thought it was made clear during the joint meeting that it had to be determined if the current high school site has the ability to be built on and then from there next steps would be determined. Mayor Jones stated we can't afford a \$4M RFP and we need to move the high school up to 2018 versus 2020.

City Manager Hodgen stated if the School Board was expecting planning and design services to be funded with the cost estimate from the architect of \$50M, the cost for architectural fees would be between \$4-5M. Dr. Kizner stated the RFP is to seek architect professionals to give us their professional qualifications to evaluate the land, what it would be to design building on the current site, and what it would cost to move across the street if disruptions came to parking lots and ball fields. Dr. Kizner stated at this time, funds aren't being asked for and we don't even know if this \$50M is a real number. Dr. Kizner stated the current RFP is an architect and engineering study by architects who are interested in the project and aren't getting paid. Dr. Kizner noted before the School Board would commit, they would come to council for approval. It was noted that the RFP is out and the city is not financially committed.

Council Member Degner stated council wants staff to orient towards 2021 which is staff's recommendation based on debt servicing and other requirements. The first time he has seen 2021 was during the council work session, and in the joint meeting there was a sense of urgency about the high school problem. Council Member Degner mentioned that when he heard 2021, and with the urgency it was further off than people would anticipate and that it would be hard to do earlier. Mayor Jones noted he felt the date came from when the City Manager presented his list of obligations. Council Member Shearer stated there seemed to be some people upset that the construction time table for the high school was changed in the Capital Improvement Plan (CIP). Council Member Shearer also stated the City Manager changed the time frame to where financially the city could handle the cost and if we moved it up we would be spending \$4-5M on design now.

Chairman Wilson stated the high school project was not discussed during the School Board Liaison Committee meeting that was held after the joint meeting. Chairman Wilson stated two RFP's have been completed and there is the

understanding that a building can be constructed on the current high school property. Chairman Wilson stated during the joint meeting the School Board notified council that they were moving forward with an RFP to see what that would look like and the cost of the project, so that information could be available. Chairman Wilson stated they weren't asking for funding, but the sense of urgency is due to the overcrowding being a current issue.

A brief discussion was held on the following: an RFP has already been completed; council never heard anything after the listening session; the CIP reflected FY17 for the construction of the high school for the cost of \$160M; and, frustrated with the continued miscommunication between School Board and council.

School Board Chairman Wilson stated the two RFP's that have been completed were completed in 2012 and none of the current School Board members were on the School Board at that time. School Board Chairman Wilson agreed there is a communication issue that needs to be addressed. School Board Chairman Wilson stated the School Board is an entity by themselves and the CIP is a document they vote on and sign. She also stated if the city wants to include items from their CIP into our CIP documents we may do so and that they may look different.

Vice-Mayor Baugh stated he doesn't understand why individuals are upset at this point. School Board Chairman Wilson stated their CIP addresses upcoming needs and even though a project is listed, it doesn't mean it is going to happen that year.

Mayor Jones referenced what the meaning of this discussion was supposed to address, no money is being asked for, and asked for the discussion to come to an end.

Dr. Kizner stated during the joint meeting, the School Board was told projects were not listed in their CIP; the School Board wanted records to show that the School Board asked for the high school project in 2018; and, noted the Mayor had mentioned needing land in the next five months. Mayor Jones stated when he had asked for an RFP, there was silence and council still hasn't seen the RFP and he still hasn't received information about the Thomas Harrison project.

Council Member Byrd withdrew his motion. Vice-Mayor Baugh asked if City Manager Hodgen received the clarification he needed. City Manager Hodgen stated that he heard there is no need for any city financial contribution to an RFP that has already been issued. City Manager Hodgen also noted that his understanding is that if an RFP is awarded, School Board administration would present the information to council, so decisions can be made moving forward. School Board Chairman Wilson stated when information is received, it will be communicated to council.

Vice-Mayor Baugh stated his perspective is two RFP studies have been completed but not for an annex, which led us to the RFP specifically looking at the high school site for expansion. Vice-Mayor Baugh stated he would like this RFP to

review possibilities and for it to address obvious questions that the public is going to ask about how we are going to utilize the space, etc. Vice-Mayor Baugh stated he expected to see the study when it was complete and we will review and develop a real project in real time.

Council Member Byrd offered a motion, seconded by Council Member Shearer, to affirm that council was agreeing to hire an architect and engineering firm for preliminary study determining that the existing high school site could actually support or provide the space needed to build an annex. The motion was withdrawn by Council Member Byrd.

- 7.f.** Consider amending and re-enacting Section 5-2-8: Purpose, Section 5-2-19: Use of combustible landscape cover material, and Section 5-2-20: Effective date of the Harrisonburg City Code

City Attorney Brown stated council is aware of our ongoing mulch ordinance issues and tonight is the beginning of formal conversation about amendments that need to take place based on the legislation that was passed in Richmond. City Attorney Brown stated under the city's code, council has to address an ordinance twice, so tonight will take care of the first reading and a vote can take place during the second reading. City Attorney Brown stated it is suggested to hold a public hearing during the second meeting in April and it would allow interested parties to provide feedback. City Attorney Brown stated the Fire Chief and staff found allies who found importance in the legislation and provided assistance and what was actually passed by the General Assembly looks different from where it began. City Attorney Brown stated staff feels that the amendments comply, but some parties don't agree. The public hearing was set for the second meeting in April.

- 7.g.** Consider nominations for the 2016 VML Policy Committees

City Manager Hodgen stated this matter could be deferred to the next council meeting and staff would send out information about where people served last year.

8. Annual Special Event Application Requests

- 8.a.** Consider the approval of a special event permit for the Rocktown Beer & Music Festival on Saturday, April 30, 2016

Katie Yount, Harrisonburg Downtown Renaissance Director of Events, presented the special event permit request for the Rocktown Beer & Music Festival, which will take place on Saturday, April 30, 2016 from 3:00 p.m. until 8:30 p.m. at the Turner Pavilion and parking lot. Ms. Yount stated all departments have approved. Council voted for all special event requests in one vote during agenda item 9.a.

- 8.b.** Consider the approval of a special event application for the Parks & Recreation Race to Beat Breast Cancer 5k to be held on Saturday, October 22, 2016

Ms. Yount presented the application for the Parks & Recreation Race to Beat Breast Cancer 5k to be held on Saturday, October 22, 2016 at Westover Park and the surrounding neighborhood area. Ms. Yount stated all departments have approved. Council voted for all special event requests in one vote during agenda item 9.a.

- 8.c.** Consider the approval of a special event application for the Eastern Mennonite University Commencement to be held on Sunday, May 1, 2016

Ms. Yount presented the special event application for Eastern Mennonite University's Commencement which will be held on Sunday, May 1, 2016. Ms. Yount stated that the university will need to have Park Road closed for the duration of graduation. Ms. Yount stated that support will be provided by Public Works. Council voted for all special event requests in one vote during agenda item 9.a.

9. New Special Event Application Requests

- 9.a.** Consider the approval of a special event request for the Divine Unity Community Church Prayer Walk on Saturday on April 16, 2016

Ms. Yount presented the special event request from the Divine Unity Community Church Prayer Walk on Saturday, April 16, 2016 at 11:00 a.m. Ms. Yount noted they are still waiting for the insurance endorsement, the walk will begin at City Hall and proceed up north Main Street until reaching Court Square, and a prayer will be held on the Court House grounds. Ms. Yount noted Rockingham County has already approved the prayer to take place on Court House grounds. Council voted for all special event requests during this vote.

Pastor Chris Johnson spoke about the event. Mayor Jones disclosed he is on the board of the church, but does not get paid so he is able to participate in the vote.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, that the Special Event permit and the Special Event Applications be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

10. Supplementals

- 10.a.** Consider a supplemental appropriation for the Harrisonburg City School Board in the amount of \$332,638.88

City Manager Hodgen referred to the memorandum for the supplemental appropriation request.

A motion was made by Vice-Mayor Baugh that this Supplemental Appropriation be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

11. Other Matters

Mayor Jones congratulated the Harrisonburg Department of Public Transportation on competing and placing in the 2016 Transit Rodeo Competition in Hampton Roads, Virginia. Mayor Jones stated that four transit drivers and three maintenance technicians competed, and came away with the Overall Property Team trophy for obtaining the overall highest scores in each division.

Mayor Jones noted that the bond ratings agencies S&P and Moody's assigned ratings of AA and Aa2 to the city's upcoming bond issuance and have affirmed the current ratings to the city's existing debt reflecting the financial stability of Harrisonburg.

Mayor Jones noted the Board of Equalization hearings will continue to take place on Wednesday and Thursday of this week.

Mayor Jones noted Blacks Run Cleanup will be held Saturday April 9, 2016 and registration is now open. Visit cleanstream.org to register.

Mayor Jones noted upcoming Parks and Recreation events that included the Easter Egg Hunt on March 26, 2016; Prom Dress giveaway on April 2, 2016; and, the new spring and summer activities guide is being posted online.

Mayor Jones noted that business taxes are due on March 31, 2016.

Mayor Jones noted the household hazardous waste collection will take place on April 16, 2016 and items can be dropped off at the city's transfer station located at 2055 Beery Road.

Mayor Jones noted the prayer walk at 11:00 a.m. on April 16, 2016 from City Hall to Court Square.

Mayor Jones proclaimed the following: April 1, 2016 through April 7, 2016 as Local Government Education Week; April 4, 2016 through April 11, 2016 as Community Week; and, April 29, 2016 as Arbor Day.

City Attorney Brown stated the city has received a proposed contract from the Community Foundation to purchase the old City School Board building, subject to council's review, approval, and a public hearing to be held during the next council meeting scheduled on April 12, 2016.

Council Member Byrd thanked City Attorney Brown for all his work.

12. Boards and Commissions

12.a. Central Shenandoah Planning District Commission

No action was taken.

13. Closed Session

At 10:40 pm a motion was made by Vice-Mayor Baugh seconded by Council Member Shearer to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under Subsection 3 for the discussion and acquisition of real estate for a public purpose. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

14. Adjournment

At 10:50 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 10:51 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR